

RM-10867

In essence, I oppose this petition, primarily since it specifically flies in the face Parts 97.501 through .505

§97.501 Qualifying for an amateur operator license.

Each applicant ***must pass an examination*** for a new amateur operator license grant and ***for each change in operator class***. Each applicant for the class of operator license grant specified below ***must pass, or otherwise receive examination credit for (note: see .505)*** the following examination elements: **[This wording is not changed in RM-10867]**

- (a) Amateur Extra Class operator: Elements 1, 2, 3, and 4;
- (b) General Class operator: Elements 1, 2, and 3;
- (c) Technician Class operator: Element 2.

§97.503 Element standards.

(a) A telegraphy examination must be sufficient to prove that the examinee has the ability to send correctly by hand and to receive correctly by ear texts in the international Morse code at not less than the prescribed speed, using all the letters of the alphabet, numerals 0-9, period, comma, question mark, slant mark and prosigns AR, BT and SK. Element 1: 5 words per minute.

(b) A ***written examination must be such as to prove*** that the ***examinee possesses the operational and technical qualifications required to perform properly the duties*** of an amateur service licensee. Each written examination must be comprised of a question set as follows:

[This wording is not changed in RM-10867]

(1) Element 2: 35 questions concerning the privileges of a Technician Class operator license. The minimum passing score is 26 questions answered correctly.

(2) Element 3: 35 questions concerning the privileges of a General Class operator license. The minimum passing score is 26 questions answered correctly.

(3) Element 4: 50 questions concerning the privileges of an Amateur Extra Class operator license. The minimum passing score is 37 questions answered correctly.

§97.505 Element credit.

(a) The administering VEs must give credit as specified below to an examinee holding any of the following license grants or license documents:

(1) An unexpired (or expired but within the grace period for renewal) FCC-granted Advanced Class operator license grant: Elements 1, 2, and 3.

(2) An unexpired (or expired but within the grace period for renewal) FCC-granted General Class operator license grant: Elements 1, 2, and 3.

(3) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician Plus Class operator (including a Technician Class operator license granted before February 14, 1991) license grant: Elements 1 and 2.

(4) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician Class operator license grant: Element 2.

(5) An unexpired (or expired) FCC-granted Novice Class operator license grant: Element 1.

(6) A CSCE: Each element the CSCE indicates the examinee passed within the previous 365 days.

(7) An unexpired (or expired less than 5 years) FCC-issued commercial radiotelegraph operator license or permit: Element 1.

(8) An expired FCC-issued Technician Class operator license document granted before March 21, 1987: Element 3.

(9) An expired or unexpired FCC-issued Technician Class operator license document granted before February 14, 1991: Element 1.

(b) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any other license grant or document.

All above emphasizing is mine.

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I can never remember any instance of upgrading without examination as proposed in this Petition in my 49 years of being licensed. Permit me to quote from the Rules and Regulations published in the ARRL 1950 License Manual (the earliest I have been able to obtain):

12.41. *When examination is required.* Examination is required for the issuance of a new amateur operator license, and for a change in class of operating privileges. Credit may be given, however, for certain elements of examination as provided in section 12.46 (**deals with previous Class A holders, upgrades from class B, and holding a commercial telegraph license.**)

So, I ask the reader-- although the wording has necessarily changed with the years, has the basic intent of the section changed? (I personally think not and I hope you will concur).

I read the old and new references cited above at our club meeting and asked my Division Vice Director (who was present) how it could be done with the present wording. His reply was that those sections would have to be changed. Strange—there is not one word regarding this in any of the eighteen petitions that have been issued RM numbers. I believe that such a major revision would have to be handled as generally specified in Title 47, Chapter 5, Subchapter III Part 1, Section 553.

It has always been incumbent upon a newbie in any endeavor: Driving, Flying or Ham Radio as examples, to personally see if that field will provide the desired outcome(s) with respect to the conditions involved. Or, how much effort am I required to put forth to be able to do what I want within the applicable laws.

For details on my analysis of this petition, please read the following pages. Thank you.

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1 **PETITION**

Sent 2 “encouraging” How and to whom?

Sent 3 “conclude” By who’s definition? “foster the integration of new technologies...” This has been the way things are done even before Spark gave way to CW.

2 **I. Background & Introduction**

Para 1

Sent 1 “internationally regulated” but with details up to each domestic administration as they see fit

Sent 2 Is a given for any legal scenario

Para 2

2 Sent 1 Is Article 25 available on ARRL site?

2 Sent 2 Where does “legacy” come from?

3 Sent 4 So no more revisions ever?

Para 3

3 Sent 1 “necessarily more detailed domestic regulation” In what specific way?

3 Sent 3 Removing unnecessary verbiage is always good. Emergency communications specifically invoke Part 97.1a and .401 et seq.

Para 4

4 Sent 2 And so the FCC is never bound to follow ITU if it finds more appropriate
& 3 ways. The ball is in the FCC’s, not the ITU’s, court.

Para 5

4 Sent 3 General inquiry—Are ITU documents available from the ARRL? ITU’s site requires payment in Swiss francs before downloading.

4 Sent 5 How is “theoretical knowledge” defined by the ITU?

5 Sent 7 Should the FCC establish their own syllabus for the Amateur Radio Service since they are in control? If not, why not?

5 Sent 8 Doesn’t this magnificent sentence give the greatest credence to 97.1 b, c and d, which the petition (and others) consistently attempt to downgrade?

Para 6

5 Sent 3 Then the whole restructure enchilada hinges solely on Article 25 Morse? Why?

Para 7

- 5 Sent 2 Then what was the ARRL's position on the large scale "not statutorily required" proceedings that ultimately caused upheaval in the ranks? Will this one have the same results?
- 6 Sent 6 Please note that the FCC issues nine different operator licenses under Part 13 (q. v.). But amateur radio...
- 6 Sent 7 It was the FCC who decided to reduce the number of amateur classes from 6 to 3.
- 6 Sent 10 "specifically withheld" Where is this validated in 98-143?
- 6 Sent 13 Was there a need to examine?

Para 8

- 7 Sent 2 How was "meaningful ways" defined and by whom?

Para 9

- 7 Sent 2 By what authority did the ARRL ask that "legacy" classes not be created?
- 7 Sent 4 It should be parenthetically noted that the plethora of RM's generated by this "invitation" has led only to an uproar and definitely not anything close to a consensus.
- 8 Sent 6 Has the experience of the past four years been generally positive or negative especially with respect to the goals of 97.1?

8 **II. Morse Telegraphy Is But One Aspect...**

I would parenthetically note the similarity of wording with the latter RM's in the RM-10781 through -787 group.

Para 10

- 8 Sent 1 It is interesting that the word "retention" precedes "elimination", especially when the RM's were numbered in the opposite order. Is this a minor appeasement in view of the magnitudes of the discussions that go on over the air and on the internet?
- 8 Sent 3 This is based on 97.1, which has technology in 3 of the 5 sections. Yet in the petition, there is a push to "simplify" testing in a technical service.
- 8 Sent 4 Exactly what was seen "looking forward for the next ten or fifteen years"?
- 8 Sent 6 (1) The state of the current Technician license, in all its sundry ramifications, is the ultimate doing of the FCC. It is the individual licensee, not the Technician license per se, that limits the range to local communications. By passing Element 1 (the only Morse element), the licensee could have "worldwide" communications with little effort. Once again, it is the decision of only the individual.

9 (2) This, like any other radio service, is technical by its very nature and therefore knowledge cannot be accurately assessed solely by means of simple testing. Please read RM-10868 paragraphs 38 through 47 for an in-depth discussion of the current testing scheme. With reference to footnote 6, I must wonder whether “overly comprehensive” and “overly difficult” are mutually inclusive or exclusive?

Para 11

9 Sent 1 These are RM’s 10782, 10783, 10785, 10876 and 10787.
10 Sent 4 The perceived “dead end” is usually an unwillingness to take the bull by the horns and upgrade. Also, the FCC classifies us as a “service”. Part 97 does not include the words “avocation” or “hobby” (in large print, as some would have us believe).
10 Sent 6 Please define “true entry level license class”.
10 Sent 9 Exactly how is “inappropriate or irrelevant” material determined and by whom?

Para 12 No comment, since that RM was not acted upon and is contained in this RM.

Para 13

11 Sent 1 Again, it is the individual administrations that have the final say as to their domestic operations.
11 Sent 2 Where can details of this “extensive review” be found?
11 Sent 3 Where is the research on this time period?
11 Sent 4 Is the belief stated that of the administration or the membership (or both)?
12 (4) These are good concepts. However, please take some time to read Title 47, Chapter 5, Subchapter III, Part I, Section 303, *especially with respect to (l)(1)* and then explain how this relates to the youth of our country. I personally have trouble understanding how kids under 10 can fully appreciate and apply the details in some areas of amateur radio, especially the Extra Class license. Some might argue that “Calculus is the mathematics of change”. Therefore, two three-year-olds on tricycles who miss each other by inches know calculus. Try getting them to explain a differential or integral (your choice). We sneak up on calculus with time constants. Finally, Part 97 is written at the 12th grade level.

Para 14

12 Sent 1 It would appear that the challenge has led to divisiveness. Is this what the amateur community and the FCC really want?
12 Sent 2 Who determined the criticality of the ARRL’s Plan?
Sent 4 Will this proposal provide yet another brouhaha?
Sent 5 Is the real intent to get rid of a few “burdensome” sections now, and the rest of the unpopular ones will follow in due time?

12 **III. ARRL's Licensing Plan**

Para 15

12 Sent 1 I concur

& 2

12 Sent 3 But, once again, the individual administration must do what they deem best for their entity, the rest of the world notwithstanding.

12 Sent 4 It would seem that other parts of several petitions lament the fact that the
& 5 current "Codeless Technician" is locked into that class, and now they bring up "incentive-based self-training". Aren't these two issues diametrically opposed? It would seem that the "average" Technician has had no interest in self-training and upgrading, thusly desiring, somehow, to maintain the status quo.

13 Sent 6 The post '91 Technician was highly advertised by many that
7 & 8 "now you don't have to learn that %^&* Morse code" and the written part is very simple. That mindset has been with us ever since. In so doing, the Novice (with code) took a seat far to the back of the conveyance, but now the ARRL (and others) want to resuscitate this suddenly magnificent idea which they had pronounced moribund.

13 Sent 9 Once again, I state that any Technician who merely passes Element 1 has
& 10 "worldwide communications" available at the fingertips. Why was this not pushed as an incentive to upgrade to "Tech Plus" and, by implication, General?

13 Sent 11 Are covered above.
& 12

Para 16

13 Sent 1 I generally concur; however, there are no specifics given here, which would lead to a clearer understanding of learning level desired.

13 Sent 2 I agree with the first part of the sentence, but do not see how effective knowledge can be shown if the basics (which will be needed all throughout the operator's holding a license) are not understood and adequately demonstrated at the onset of the licensing experience. Self-pride in Amateur Radio should begin right here.

14 Sent 3 I believe the Technician license today does well what the FCC set it up to do: be a VHF and up license with the operator's option to pass Element 1 and have, albeit limited, HF privileges.

14 Sent 4 But at what cost to the service, given the feelings expressed through many media?

Para 17

- 14 Sent 1 Why is this “absolutely necessary”, especially in light of the referenced R & O Paragraph 15, whose last sentence states that “grandfathering” is acceptable to the FCC?
- 14 Sent 3 The quote “was at least as comprehensive as” is entirely without foundation. In the 1950 License Manual Element 4 was “Advanced amateur telephony”. However, in the 1951 manual, we now have Element 4A Advanced radiotelephone (for the Advanced applicant) AND Element 4B Advanced amateur practice (for the Extra). And obviously exam content has to change with technology over the years. How, then, hypothetically, is it possible for the last person to receive a Class A license to be up to date in 2004, based entirely on that exam, as the ARRL would have us believe?
- 14 Sent 4 To how many amateurs was this “not at all persuasive”?
- 15 Sent 5 See comment re sentence 1.
- 15 Sent 6 Many sources indicate that a considerable number of Advanced holders do not favor the proposed change.
- 15 Sent 7 Exactly how does the inclusion of two paragraphs regarding “legacies” make Part 97 “unnecessarily complex”?
- 15 Sent 8 Grandfathering simply failed to do the impossible.
- 15 Sent 9 I agree that there should be no loss of privileges, the prior history of “Incentive Licensing” notwithstanding.
- 15 Sent 13 Harks back to the alleged “filtering” of the code exam. Do we have better quality now than before 2001?

- Para 18
- 16 Sent 2 NB. The NCVEC “Petition 2”, RM-10870, uses “Communicator” for this proposed class. This might cause confusion with the ARRL’s proposal in the ‘90s with the same term in its two-track path to the Extra.

Summaries

Extra No change, therefore no comment.

General

I am not sure about eliminating Morse. Please see my opening references re upgrading without an examination.

Novice No Morse and very limited HF Privileges might be reasonable, if this gives concerted impetus to upgrading. Perhaps the license should be five years, non-renewable (as was the original intent of the Novice) since, essentially, this is a learner’s permit.

What is proposed to be the syllabus?

The stated power levels do an end run on OET 65, Appendix B. What is the rationale, especially when safety is involved. How will the RF levels be monitored, other than by the new licensee with limited knowledge (especially of the RF PWR knob)?

Re the VHF privileges, the last three items may have close parallels in the Canadian regulations. See www.rac.ca for details. While there, why not peruse the Mexican regulations—they too contain some very interesting ideas.

- Para 19
- 18 Sent 1 “provides a true...” Is this the considered opinion of the amateur community at large? If so, where is the validation? Or is it that of the submitter?
- 18 Sent 2 Did we get rid of the Elmers? Sorry, but I wasn’t informed. Guess I’ll just have to stop helping others (does this include VEing?)
- 18 Sent 3 I’m definitely not a computer geek, but it would seem that revising a database today is not rocket science.
- 18 Sent 4 Exactly what non-daunting areas would be covered and still conform with 97.503?
- 18 Sent 5 Parenthetical note: Figure 1 did not download properly here, but I can see the intent. Did others have this issue?

Para 20

- 19 Sent 1 Please, once again, refer to my opening pages regarding 97.501 et seq.
2 & 3
- 19 Sent 4 This is untrue. The Technician written has logically metamorphosed over time from being the same as the General from 1951 until 1987 (and the legal basis for the 2001 Instant General), when it was split roughly into A (VHF) and B (HF) elements. So, I must debate the terms “natural and minor step”, given that wide range of time over which it could have been taken.

Para 21

- 20 Sent 1 What is the proposed depth of this examination and will it be adequate to conform with .503?
- 20 Sent 2 Where is ITU-R M.1544 publicly available? I can’t seem to find it on the ARRL site.

Para 22

- 20 Sent 5 I would submit that Element 1 be given as a ten minute test with at least one minute of solid copy (.507(d) requires a **minimum** of five minutes), utilizing common amateur and standard abbreviations. It would be far more realistic. This would also give more chances for utilizing all the required characters. Thus, no change in the rule is required.
- 21 Sent 7 All the mentioned emissions are available to all licensees. Should these be tested all levels?
- 21 Sent 9 Is the wording here intended to placate the pro-coders?

IV. Conclusion

Para 23

- 21 Sent 1 Then simply uphold the original intent of 97.1, in which not one word has been changed since it’s introduction in 1951. This is, always has been and always will be a technical service.
- 21 Sent 2 Self-administration has been marred by fraudulent VE’s, yet the NCVEC remains a dominant force, somewhat without accountability to the ham population at large.
- 21 Sent 3 This a highly biased statement; i. e., the FCC should be grateful to publish only this petition, unchanged, as the final Report and Order.

Para 24

- 22 Sent 1 This retention was the only legal method.
- 22 Sent 2 Yet again, consider .501 et seq.

Para 25

- 22 Sent 1 If the FCC is satisfied, then why push for such a major change? Iffen it
ain't broke...
- 22 Sent 2 This again addresses the personal prerogative of the individual and
& 4 cannot be legislated. Nothing prevents their self-training from the
myriad manuals available.
- 22 Sent 5 This is the opinion of the ARRL and is presented without substantiation.
& 6

Para 26

- 23 Sent 1 To whom is this overemphasis attributed?
- 23 Sent 6 If self-training for upgrade has not occurred as stated in many previous
items, how, then is the proposal offered as a miracle cure for all past ills?

Since the rest of the Petition is predicated on its enactment in toto, I shall not take your
time to comment.

Thank you for considering my opinions on RM-10867.

Respectfully submitted,

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